



## **MINUTES**

**Of A**

### **REGULAR COUNCIL MEETING**

**May 24, 2016**

The City Council of the City of Longview, Texas, met in a Regular Session, May 24, 2016, at 5:30 P.M. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Andy Mack presided.

Members present were:

Members absent were:

Andy Mack  
Ed Moore  
Nona Snoddy  
Kasha Williams  
Kristen Ishihara  
David Wright  
Sidney Allen

Staff members present were:

David Willard, City Manager  
Keith Bonds, Assistant City Manager  
Shawn Hara, Media and Tourism Manager  
Shelly Ballenger, City Secretary  
Jim Finley, City Attorney  
Michael Shirley, Director of Development Services  
Rolin McPhee, Director of Public Works  
Laura Hill, Director of Community Services  
Scott Caron, Director of Parks and Recreation  
Angela Coen, Director of Financial Services  
Mary Ann Miller, Director of Administration  
Johnny Zackary, Fire Marshall  
Mike Bishop, Police Chief

**I. Call to Order** – Mayor Andy Mack called the meeting to order.

**II. Invocation** – Pastor Dennis Bragdon of Our Redeemer Lutheran Church gave the invocation.

**III. Pledge of Allegiance** – Pastor Dennis Bragdon of Our Redeemer Lutheran Church led the pledge of allegiance.

**IV. Election Item**

**Presentation of Oath of Office to Council Member Elect of District No. 5 –**

Shelly Ballenger, City Secretary gave the oath of office to Council Member Elect District 5 David Wright. Afterwards Council Member Wright took his seat.

**V. Employee Recognition**

On May 15, 2016, at 5:58 p.m. the Longview Fire Department was dispatched to the 100 block of West Pliler Street for a reported structure fire at a duplex. Longview Police Officer Dennis Phillips and trainee Officer Heath DeGarmo heard the call over Fire Dispatch and responded due to their close proximity.

Officers Phillips and DeGarmo arrived on scene and learned from neighbors that someone may have been inside the duplex, which had smoke coming from it. The officers forced open the front door and found the location to be full of smoke.

The officers checked the duplex and located one female on the floor unconscious. The officers removed the burning food from the stove and carried the female resident from the home to the safety of the front yard.

Longview Fire Department then arrived on scene and observed Officer Phillips and Officer DeGarmo rendering aid to the victim. She was unconscious and suffered smoke inhalation. The victim was transported to the hospital, and once at the hospital she began to gain consciousness.

The quick actions of Officers Phillips and DeGarmo saved this woman from suffering further injury, saving her life through their quick actions to enter the burning home. It is an honor to have training officers, such as Dennis Phillips and new officers joining the Police Department such as Heath DeGarmo that will take proactive action at a moment's notice with a greater concern for the public's safety than their own.

Thank you for serving our Longview community.

Chief Bishop presented Officer Phillips and Officer DeGarmo with the lifesaving award in recognition of performing of exceptional actions taken above and beyond the call of duty on May 15, 2016, such actions resulting in the saving a human life.

## **VI. Citizen Comment**

Willie Fortier, 327 Hampton Court, Longview (: Spoke of frustrations with Maude Cobb Activity Center with attempting to setup reservations for the annual "Run for the Wall" program on behalf of the Vietnam Veterans of America Chapter 987.

Thomas Call, 9843 CR 1113N, Kilgore: Assisted Mr. Fortier with speaking on behalf of Vietnam Veterans of America.

Simeon Whitten, 2601 Bill Owens Parkway, Apartment 1055, Longview: Wanted Council and the city to be aware of their presence in the community and helping expose Longview's diverse culture and historical backgrounds of leaders throughout the community. They sponsor a web series on Facebook called "My View". If interested in being featured, contact him.

## **VII. Presentation Item**

**Consideration and presentation of a Resolution honoring Keith Honey on the occasion of his retirement –**

Andy Mack, Mayor: Since 2004, after 35 years of service to AEP Southwestern Electric Power Company including roles as Division Manager, General Manager, and most recently External Affairs Manager, Keith Honey has announced his retirement. Since he moved to Longview in 1988, Keith has been a constant volunteer and powerful advocate for this community.

Keith is a native of Butte, Montana, and graduated from high school there. He earned a Bachelor of Science Degree in Mining Engineering from Montana Tech, and MBA from University of Texas at Dallas. He is a Registered Professional Engineer in Texas and an Eagle Scout.

Among other community activities, Mr. Honey has served as chairman or president of:

- Longview Chamber of Commerce
- Longview Economic Development Corporation
- Longview 2020 Forum
- Greater Longview United Way
- LeTourneau University President's Advisory Council
- Junior Achievement of East Texas
- Friends of Scouting campaign for the Cherokee Trace Council.
- 2006 Longview First: Capital Improvements Task Force
- 2007 Longview Moving Ahead Citizens Bond Election Committee
- Longview Comprehensive Plan Advisory Committee
- Texas State Technical College Board of Regents

Board Member or Representative for:

- Boys and Girls Club of Gregg County
- Martin House Children's Advocacy Center
- Longview Habitat for Humanity
- Piney Wood Chapter of the American Red Cross
- Marshall Chamber of Commerce
- Longview Mayor's 2015 Visioning Task Force
- Good Shepherd Medical Center and Foundation
- Workforce Solutions East Texas
- Northeast Texas Air Care
- East Texas City Manager's Association
- Northeast Texas Economic Developer's Roundtable
- Northeast East Texas Regional Mobility Authority

Awards:

- Longview's Citizen of the Year in 1998 by the Longview Rotary Club.
- Longview Chamber of Commerce's Chairman's Award

- Rotary Club Paul Harris Fellow Award
- Boys and Girls Club of Gregg County's first ever Champion for Youth.
- Greater Longview Area Pan-Hellenic Council's Martin Luther King, Jr. Humanitarian Award
- Boy Scouts of America's Distinguished Citizen Good Turn Award in 2013.

In his leisure time, Keith likes to travel, hunt, scuba dive, fish and play golf. He and his wife of 42 years, Diane, have three married children: Megan, an attorney in Austin; Robbie, a radiologist practicing in Billings, Montana; and Leslie, and attorney in Houston. They also have a one-year old very special grandson, Finn in Billings. The Honey's are 27 year members of First Lutheran Church in Longview where Keith is a past-president of the congregation.

### **VIII. Mayor Mack's Scholarship Recipients**

Mayor Mack presented his Scholarship recipients for Longview's school districts as followed:

- Jack Barron – Hallsville High School
- Valynnsia Bodie – Longview High School
- Christopher Brown – Pine Tree High School
- Mabry Nichols – Spring Hill High School

Each student presented their essays and spoke of how they would like to make a difference for the City of Longview.

### **IX. Public Safety Update**

#### **A. Police**

Chief Bishop presented upcoming events for the Longview Police Department.

There will be a Spanish Speaking Citizen Police Academy. It will be held on June 6 through July 20, 2016, from 6:00 p.m. until 8:00 p.m. and classes will be held Monday and Wednesday nights at Maude Cobb Convention Center, 100 Grand Boulevard.

Giants of Law Enforcement Banquet were held on Tuesday, May 17, 2016, at Maude Cobb Convention Center at 6:00 p.m. Recipients for the City of Longview were as followed:

- Randy Ross – Telecommunicator Supervisor of the Year
- Bradford Arnold – Telecommunicator of the Year
- Kathy Stewart – Civilian of the Year
- Rocky Rancour – Rookie of the Year
- Gene Duffie – Officer of the Year
- Alex Castillo – Detective of the Year
- Rebekah Martinez – Supervisor of the Year

Chief Bishop and Chief Steelman wanted to thank the Longview Greggton Rotary and Rader Funeral Home and Hayes RV for putting on the annual police and fire golf tournament and dinner that followed.

#### **B. Fire –**

Chief Steelman was absent.

#### **X. Action Items**

##### **A. Consider a Resolution suspending the effective date of the application of Centerpoint Energy to increase rates under the Gas Reliability Infrastructure Program Rate Application for forty-five days**

–

Jim Finley, City Attorney was present and requested the Council to consider the approval of a Resolution adopting the City as a member of the Alliance of CenterPoint Municipalities (ACM). The ACM group was organized by a number of municipalities served by CenterPoint Energy Resources Corp., Beaumont/East Texas Division (“CenterPoint”) and has been represented by the law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between

rate cases. This section of GURA is commonly referred to as the "GRIP" statute, that is, the "Gas Reliability Infrastructure Program."

On or about March 31, 2016, CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"). CenterPoint's application if approved by the Commission will result in an increase in the monthly customer charges as shown below: Residential: an increase of \$1.71 per customer per month or \$21.30 per customer per month.

General Service Small an increase of \$2.73 per customer per month or \$32.16 per customer per month.

General Service Large Volume an increase of \$12.37 per customer per month or \$105.78 per customer per month.

To exercise its due diligence, it is necessary to suspend CenterPoint's proposed effective date of May 30, 2016, for forty-five days, so that the City can perform a limited evaluation whether the data and calculations in CenterPoint's rate application are correctly done.

Assuming a proposed effective date of May 30, 2016, CenterPoint's proposed effective date is suspended until July 14, 2016.

Council Member Moore asked how long the GRIP statute had been on the books.

Jim Finley, City Attorney replied since 2003.

Council Member Moore asked how often the gas company, I know since 2014 they have been granted 7.5% and in 2015 granted 15.9% and they are requesting 8.7% now, how often have they requested?

Jim Finley, City Attorney replied it is not always on a yearly basis. Every 18 months usually there is some type of review.

Council Member Moore: Ultimately we do not have a say in adjusting the request?

Jim Finley, City Attorney stated that is correct.

MOTION: Council Member Ishihara made a motion the following Resolution be approved:

**A RESOLUTION BY THE CITY COUNCIL OF LONGVIEW,  
TEXAS, ("CITY") RESPONDING TO THE APPLICATION**

**OF CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES"; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Resolution No. 5063 and appears in the Resolution and Ordinance records of the City of Longview.

**B. Consider a Resolution approving a change in the rates of Atmos Energy Corporation, Mid-Tex Division ("ATMOS") as a result of a settlement between Atmos and the Atmos Texas Municipalities ("ATM") under the rate review mechanism –**

Jim Finley, City Attorney was present and requested the Council to consider the approval of a Resolution adopting the City as a member of the Atmos Texas Municipalities (ATM). The ATM group was organized by a number of municipalities served by Atmos and has been represented by the law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera). On about March 1, 2016, Atmos submitted its fourth application under the current RRM seeking a system-wide rate increase of \$35.4 million ("2016 RRM"), which equates to an increase of about 6.04%. After review of Atmos' application, the Railroad Commission's prior rulings, and Atmos' responses to requests for information submitted to Atmos by ATM's Special Counsel and consultants, ATM's consultants concluded that Atmos merited an increase of about \$10.8 million. ATM's Special Counsel presented its findings to Atmos, with which Atmos disagrees. Following negotiations with Atmos, Atmos agreed to an increase of \$29.9 million, which equates to an increase of about 5.5%.



An increase under the 2016 RRM of about \$29.9 million over the base-rate revenue Atmos is currently collecting, represents an increase of about 5.5% in non-gas revenue and the impact on rates on an average customer's bill would be as follows:

Customer Class	Current Bill	Proposed Bill	Difference
Residential	\$52.01	\$53.27	\$1.26
Commercial	\$267.17	\$270.98	\$3.81
Industrial	\$5,184.05	\$5,286.77	\$102.72
Transportation	\$3,666.82	\$3,769.54	\$102.72

If the ATM Cities reject Atmos' settlement offer, Atmos would likely appeal the cities' decision to the Railroad Commission. While there are a number of contested issues whose outcome is uncertain in an appeal, based on the Railroad Commission's history and prior decisions, ATM's Special Counsel and consultants are of the opinion that the Railroad Commission would reach a result not materially different than the settlement amount of \$29.9 million, and perhaps approve a higher increase.

MOTION: Council Member Ishihara made a motion the following Resolution be approved:

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS ("CITY"), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.**

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Resolution No. 5064 and appears in the Resolution and Ordinance records of the City of Longview.

- C. **Consider an Ordinance amending Chapter 13 of the Longview City Code to provide for the administration and enforcement of said chapter by Longview's Animal Services Division, to provide for the implantation of identification microchips in animals, to provide for the sterilization of animals under certain circumstances, and to clarify certain circumstances under which ownership of an animal passes to the City of Longview –**

Laura Hill, Director of Community Services was present and requested the Council to consider the approval of an Ordinance adopting the initiation of operations at the Longview Animal Care and Adoption Center, it is necessary to update Chapter 13 of the Longview Code of Ordinances. Amendments include authority to establish the Animal Shelter, to collect fees, to microchip and to sterilize if animal has more than three (3) impoundments.

MOTION: Council Member Moore made a motion the following Resolution be approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, CITY OF LONGVIEW, TEXAS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID CHAPTER BY THE CITY'S ANIMAL SERVICES DIVISION; PROVIDING FOR THE IMPLANTATION OF IDENTIFICATION MICROCHIPS IN ANIMALS; PROVIDING FOR THE STERILIZATION OF ANIMALS UNDER CERTAIN CIRCUMSTANCES; CLARIFYING CERTAIN CIRCUMSTANCES UNDER WHICH OWNERSHIP OF AN ANIMAL PASSES TO THE CITY OF LONGVIEW; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Ordinance No. 4054 and appears in the Resolution and Ordinance records of the City of Longview.

**D. Consider a Resolution setting certain fees related to operations at the Longview Animal Care and Adoption Center –**

Laura Hill, Director of Community Services was present and requested approval of the implementation of operations of the Longview Animal Care and Adoption Center, it is necessary to establish the fees and charges associated with those operations.

Development of the proposed fees took into consideration the fees currently charged by the Humane Society of Northeast Texas, the City of Dallas, the City of Austin and the actual costs to provide services to include, labor, supplies and overall facility operations. At the same time, the fees had to be reasonable to prevent dumping or inhumane abandonment of animals by owners wishing to avoid paying surrender fees.

The City Council appointed Animal Shelter Advisory Committee unanimously approved the fee recommendations at their May 4, 2016 meeting.

Council Member Wright: Inquired if we had a flat fee set for surrounding cities that may acquire our facilities, if so what would it be?

Laura Hill, Development Services Director: Informed Mr. Wright that it has not been negotiated yet and it would be presented to Council before being established and finalized.

MOTION: Council Member Ishihara made a motion the following Resolution be approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SETTING CERTAIN FEES RELATED TO OPERATIONS OF THE LONGVIEW ANIMAL CARE AND ADOPTION CENTER; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN**

**MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Resolution No. 5065 and appears in the Resolution and Ordinance records of the City of Longview.

**XI. Items of Community Interest**

Council Member Moore: I am the City Council Liaison for the Historical Preservation Commission, if you have wondered how historical markers are obtained, the City Planning and Zoning staff and the Gregg County Historical Commission will be presenting a workshop on June 11, 2016, at the Development Services Building on South High. If you need more information contact 903-237-1072.

Wished everyone a happy three day weekend for Memorial Day and asked that everyone be observant and say a prayer for our fallen soldiers and veterans.

Council Member Snoddy: Congratulated the Mayor's scholarship recipients, Keith Honey and Mr. Fortir for his service.

Council Member Kristen Ishihara: Invited the community to Senior Games on June 7, 2016, at Maude Cobb beginning at 10:00 a.m. and it will be held by the East Texas Silver Citizens Coalition.

Council Member Wright: Thanked District 5 for re-electing him to represent them for the next 3 years. He also thanked Steve and Kathy Crain for recently helping a young man named Matthew Womack from Gladewater and being such a great mentor giving him a trip to Disneyworld.

Mr. Wright also recognized Spring Hill's tennis athletes: Dawson Penn won state tennis tournament for Class 4A last year was a semifinalist this year, Lexie Penn and Mabry Nichols were the silver medalists at the state meet for 4A. Case White ran in both the 1600 meter and 3200 meter state track meet and Case came in 4<sup>th</sup> in the 1600 meter and 3<sup>rd</sup> in the 3200 meter. Congratulations for their recent performance at the different State competitions.

Council Member Allen I had the opportunity to go to Forest Park this afternoon and watch a program put on by the gifted and talented 6<sup>th</sup> graders. They did a wonderful job, they were challenged, they had a million dollar budget and were supposed to do things to better the environment, the cultural and economic budgets.

Mayor Mack: Made the following announcements:

- Early voting beings Tuesday, May 31 – June 3, 2016, from 8 a.m. – 5 p.m. Saturday, June 4 from 10 a.m. – 2 p.m. Monday and Tuesday, June 6 and 7, 2016 from 8 a.m. – 8 p.m. at City Hall, for the District 6 run-off election.
- City office will be closed Monday, May 30, 2016, in observance of the Memorial Day Holiday.
- Sanitation department will have their normal trash and recycling collection the week of May 30, 2016.
- HOT Camp, Junior Heroes of Tomorrow – Free annual day camp for grades 5 – 7 grade boys and girls. Learn to treat injuries, put out fires and much more! For information or to register, call 903-237-1019 or go to [LongviewTexas.gov/HOTCamp](http://LongviewTexas.gov/HOTCamp).
- #SUMMER 16 BLOCK PARTY – Downtown Longview on Fredonia Street (block of Methvin and Tyler) June 11, 2016, from 7 p.m. – 11 p.m. free admission – call 903-237-1255 for more information.
- Please visit [LongviewTexasEvents.com](http://LongviewTexasEvents.com) for recent and upcoming events.

Mayor Mack wants to form a committee on how to simplify voting in Gregg County. In one location if possible.

On Thursday, Dr. Mack will be putting the hood over his daughter, Spencer's head, she will be graduating from dental school. He is very proud of her.

## **XII. Adjourn**

The meeting was adjourned at 6:45 p.m.

[seal]

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Shelly Ballenger  
City Secretary

